

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE

CAUSE NUMBER: 8217-AG09-0904-205

IN THE MATTER OF:

Martha Masterson,  
Respondent,

139 S State Rd. 2  
Valparaiso, IN 46385

Type of Agency Action: Enforcement

License Number: 2656920

**FILED**

SEP 28 2009

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER AND APPROVAL**

The Indiana Department of Insurance ("Department") and Martha Masterson, ("Respondent"), a resident insurance producer, signed an Agreed Entry which purports to resolve all issues involved in the above cause number, and which has been submitted to the Commissioner of Insurance (the "Commissioner") for approval.


The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Commissioner of Insurance:

1. The Department was notified by American Family Insurance that Respondent had been terminated for cause.

2. In their notification, American Family Insurance made several allegations that Respondent had displayed behavior that would be in violation of Indiana Code 27-1-15.6-12 (b) (8), including failing to remit premiums in a timely fashion.
3. Respondent neither admits nor denies the allegations made by American Family Insurance.
4. Respondent shall pay an administrative fine in the amount of \$1,500.00 within thirty (30) days of this Final Order.
5. Respondent's license shall be placed on a probationary status for a period of one (1) year. During this probationary period, if the Department receives a complaint or complaints prompting an investigation revealing further issues with remitting premiums in a timely fashion, the Department reserves the right to revisit the issues under this cause number and to take further disciplinary action allowed for under Indiana Code 27-1-15.6-12, up to and including the revocation of Respondent's license.

ALL OF WHICH IS ORDERED this 28<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
Carol Cutter, Commissioner  
Indiana Department of Insurance

Distribution:

Martha Masterson  
139 S State Rd. 2  
Valparaiso, IN 46385

Distribution (Cont.)

Douglas C. McMillan  
McMillan Law Offices, P.C.  
57 Franklin St, Ste. 115  
Valparaiso, IN 46383

Nikolas P. Mann  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

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STATE OF INDIANA  
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**AGREED ENTRY**

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Indiana Department of Insurance ("Department"), and Martha Masterson ("Respondent"), a resident insurance agent licensed in the state of Indiana, to resolve all issues in the above cause number. This Agreed Entry is subject to the review and approval of Carol Cutter, Commissioner, Indiana Department of Insurance.

WHEREAS, Respondent is a resident insurance agent licensed in the State of Indiana, holding license number 2656920; and,

WHEREAS, Respondent has held license 2656920 since October 8, 1996; and,

WHEREAS, on April 28, 2009, the Department received notice that Respondent had been terminated by American Family Insurance; and,

WHEREAS, American Family provided a summary of findings that alleged irregularities with regards to the remitting of premiums in a timely fashion; and,

WHEREAS, the behavior, as alleged by American Family, would be cause for discipline under Indiana Code 27-1-15.6-12 (b) (8); and,

WHEREAS, Respondent neither admits nor denies any allegations made by American Family Insurance; and,

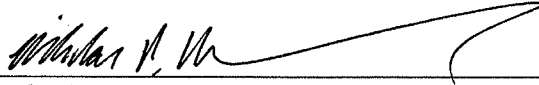
WHEREAS, the Department and Respondent desire to resolve their differences and settle the issues without the necessity of a hearing;

IT IS THEREFORE NOW AGREED by and between the parties as follows:


1. The Commissioner has jurisdiction over the subject matter and the Respondent in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondent voluntarily and freely waives the right to a public hearing.
4. Respondent voluntarily and freely waives the right to judicial review of this matter.
5. Respondent shall pay an administrative fine in the amount of \$1,500.00 within thirty (30) days of the filing of a Final Order adopting this Agreed Entry.
6. Respondent's license shall be placed on a probationary status for a period of one (1) year. During this probationary period, if the Department receives a complaint or complaints prompting an investigation revealing further issues with remitting premiums in a timely fashion, the Department reserves the right to revisit the issues under this cause number and to take further disciplinary allowed for under Indiana Code 27-1-15.6-12, up to and including the revocation of Respondent's license.
7. Respondent has carefully read this agreement and fully understands and accepts its terms.

8. Respondent has been represented by Douglas McMillan of McMillan Law Offices, P.C.

9/28/09  
Date Signed

  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

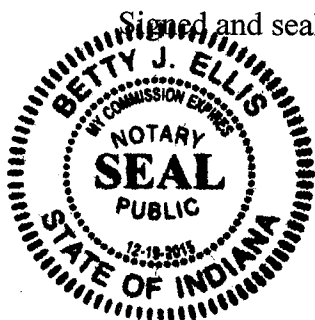
9/11/09  
Date Signed

  
Martha Masterson,  
Respondent

STATE OF Indiana )  
COUNTY OF Porter ) SS:

Before me a Notary Public for Porter County, State of Indiana, personally appeared Martha Masterson, and being first duly sworn by me upon her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 11<sup>th</sup> day of September, 2009.



Betty J. Ellis  
Signature

Betty J. Ellis  
Printed

My Commissioner expires: 12/19/2015

County of Residence: Porter